THE M'FARLAND TRIAL.

District Attorney Garvin's Opening for the Prosecution.

EXAMINATION OF WITNESSES.

The Deathbed Marriage Ceremony Portrayed.

Scathing Denunciations by Defendant's Counsel.

Beecher and Frothingham Castigated in Court.

Close of the Case for the Prosecution.

Stirring Scenes in Court-A Mewspaper Handled Without Gloves.

ingham for the murder of Dr. Burdell has oc-ned so great an excitement in the public mind

A GREAT CROWD.

Ever since the day when the preliminary proceedings were opened the hallways leading to the court com have been besieged by an immense crowd of persons anxious to gain admittance, and the officers could do to keep the doors on their hinges, so eat has been the pressure of the would-be spectaors of the trial. As a general thing a murder eight diways attracts that peculiar riff-raff of loungers who never consider themselves happier than when they are able to be present in court when a case gives prohave all along during the present trial a outnumbered by respectable people, are not often seen in a court room, at t as spectators. The cause of this phenomenon the reader can conjecture to suit himself. Yester-day being the first day of the actual trial the crowds ere, as a matter of course, far greater than they d been on any preceding day, but, thanks to the good management of the officers, there was no crush in the court room, and once it had become weit filled to one not authorized was allowed admittance.

HOW THE PRISONER LOOKID.

McFarland when he entered the court room did ot look as well as usual, the fatigue of having had sit and listen to the battling of the counsel for rs on the two previous days having evidently en too much for him. He, however, appeared neerful and maintained the same air of confidence nat has characterized his demeanor from the start, n this there was nothing of the bravado whatever. atted a crime and that he knew perfectly well that a efforts of his counsel in his behalf would be nally crowned with success. During the examinaof the cierks of the Tribune office he appared slightly nervous, and sat most of the time and to his ear, as if anxious to catch every word fell from the lips of the witnesses. In describing the scene in the counting room on the night of the shooting, when Richardson entered, one of them by a "peculiar movement" of the prisoner behind the desk, which consisted of his "stooping his head" is if to hide himself from the view of some person. fcFarland frowned at this and shook his head as tle boy, Percy, who sat by his side the livelong day, as he has done from the start, did not, appa ently, understand what was going on, and amused

All the witnesses examined gave their evidence in a clear voice and without any hesitation, although looked very much as though they had been pretty thoroughly drilled as to the way they should ac and what they should do when on the stand. This, however, is only conjecture. The good effect contradictory statements made by two of them as to certain little details of the tragedy, which, though not important of themselves, may prove of advantage to one side when the case is argued in its

Among those present within the area allotted to the members of the bar were two ladies, both of whom were dressed according to the latest dictates and speculation was rife as to who she could be tain portions of the testimony.

A CURIOUS WOMAN.

The other woman was a well known resident of

Washington, who made her name famous during broker. On entering the court she sent word to Mr. McFarland that she desired to see him. She did not give her name to the officer whom she sen to ask him to come to the box where she was seated. the prisoner, not manifesting any desire to carry on to him, went back to his seat almost immediately What on earth prompted her to desire to see and talk with McFarland is a mystery; but it was supposed that her motive was sheer curiosity, and a woman's at that, which made the interview rather

BEECHER AND FROTHINGHAM SCALPELLED. The severe handling that Beecher and Frothingham got from the counsel for the defence for the part they took in what he termed the "blasphemous ceremony" at the Astor House, and his terribly scathing denunciation of the "gang" who had years ago planted the vile seed from which, he said, had sprung the deathbed marriage of Richardson, cre-ated an immense sensation among the audience, probation went up from the whole gathering, which but for the promptness of the court officers in nipping it in the bud might have broken out into de-

eided applause. A white-haired old minister was an attentive listener to the denunciation of the "blasphemy" and created no small amusement to those in his imway in which he nodded his head in approparion as the counsel waxed warm on his subject of the

deathbed horror at the Astor House.
THE "ENOW NOTHING JURYMAN." The scene in the court room when the Star news paper was denounced for the way it had reported she trial and caricatured one of the jurors was quite an exciting one. The spectators anticipated that the journalist who had fallen under the displeasure of the counsel would be made to put in an appearance became evident that he would not be forthcoming the interest in the scene flagged considerably. Or course the reporters present were the most attentive fisteners the counsel had on the subject, and when he asserted that all of them but the unfaithful one had so far done their duty "courteously and with dignity," as far as the trial was concerned, a broad

smile of self-congratulation crept along the whole row of faces at the tables where the scribes were

During the cross-examination of the witnesses, the counsel for the delence showed an extraordi-nary anxiety to learn the fate of "a certain piece of paper," which the clerks from the Tribine office, who were sworn, dealed all knowledge of and which—the counsel's question with seen to intro-cate—may form a very important part of the material evidence in the case. What the "piece of paper" was which the counsel believe, or affect to believe, was destroyed by some of the Tribune folks after McFariand (the night of the shooting) had

Presecution.

District Attorney Garvin, in opening the case for

IF THE COURT PLEASE.—The prosecuting officer for a county like the city of New York has many solemn and important responsibilities devolved upon him in cases of the character of the one which you are about to try. He is not only required to perform his form to the prisoner, who is arraigned for the crime charged in the indistment, and in performing that duty it would weign upon him with crushing weight, and there would bardly be a man found sufficiently strong, either eum stances were it not for the fact that all others in regard to cases of this description are finally submit-ted to a jury of twelve men to pass upon. The prose-cuting officer is also aided by the impartiality of the court which sits to decide between him on the one

ted to a jury of twelve men to pass upon. The proseguting officer is also aided by the impartiality of the
court which sits to decide between him on the one
side, representing the people, and the prisoner on
the other, in regard to all questions of law which are
presented for consideration during the discussion
and the developments of evidence which finally
goes to the piry. But on the questions of fact,
gentiemed of the jury, I am thankful to
say the rule in this country is and
always has been for the jury to finally pass tipon and
determine. On all questions of law, whatever they
may be, the jury are to take them from the Court,
and by the direction and decision of the court of
activation. And, gentlemen, a wiser system of administering law, perhaps, could not be conceived.
It has not only received the gentlemen, a wiser system of administering law, perhaps, could not be conceived.
It has not only received the gentlemen, as wiser system of administering law, perhaps, could not be conceived.
It has not only received the gentlemen, as well as a superiority of the country. This
principle of coming down to twelve men is not
only adapted to your interests and mine, but it
is the great and conservative power by which
the rights of property, life and liberty are
preserved—plain men, educated men—men of high
character and men in the ordinary walks of life
those who compose the jury of twelve men representing all the interests and feelings and the various
powers of the numan mind—those engaged in common and ordinary employments and whoever may
be drawn by accident to sit upon questions and to
determine as it, the life and liberty of their fellow
man. With that decision we shall be coment, whatever it may be. And if in the course of this investigation it shall be developed that this man (the prisoner) had a good legal reason why he should take
the life of Albert D. Richardson, it
will be your duty to see that
this man is acquitted and that the goes forth froe.
But if, on the other hand, it shall appea

Now, gentlemen of the jury, in the preparation of this case I have felt the importance of the public interests committed to my charge. I have deliverately thought over the case and made up my mind that a case in which three counsel were employed on

court and the coursel on either side, I undertake to say, will be content with the case as we shall present it.

Now, in as short a way as possible, I snall present the case to you on the evidence, carefully, truthfally, honestly; trusting and hoping that nowever long the case may be you will sit patiently and hear it through. And when you are through I shall expect from you, as honest, upright, candid men, such a verdict as shall not only satisfy this community, but will satisfy your own consciences when that hour shall come which shall try and test every man of us.

I am glad to see, gentlemen of the jury, that we have in your body some men who have gray hairs, and I am glad to see among you men who are fathers, and I am also glad to see that we have young men on the jury, so that all classes of men in the community are represented, so that when we get through with the case and you have rendered your verdict, with that verdict I shall not only have reason to be conlent, but every man in the community shall not only have reason to be content, but to be glad at the result. Every man's mouth will be closed and the result will be proclaimed to the world as the verdict of a conscientious jury of twelve men, who had listened patiently, earnestly and honestly to the case and delivered such a verdict as to their consciences seemed right and jast.

EXCLUSION OF WITNESSES FOR THE PROSECUTION.

Counsel for the defendence, addressing the court, said that in reference to the witnesses who claim to have been present, some three or four in number, he would move that they be directed to leave the court room while any one of them should be on the stand. This was a matter within the discretion of the court, and in this case ought to be exercised.

Judge Garvin—If the order be issued it would apply to the witnesses on both sides.

The County defendant's counsel—Do you desire it to have general application?

Counsel—No; Only to those particular witnesses for the prosecution. Any objection to this shows how sincere the District A

were his countrymen, there was not the signtest objection.

Judge Garvin—I thought that was all past.

Counsel—No. You will hear more about it before the case is over. There ought to be no objection to this course, that the witnesses who were grouped together at the time of the occurrence and the only persons to speak of it on the part of the prosecution should not be permitted to remain in court while one of their number is being examined.

Judge Garvin—I don't object.

The Court—The motion is granted. The witnesses referred to then left the court room.

Examination of Witnesses

TESTIMONY OF GEORGE W. KING. George W. King, sworn and examined by Judge Garvin, testified—Reside in North First street, Jer-sey City; am employed in the Tribuns office, in the counting room; was employed there in November, 1869; was at that time acquainted with Airred D. Richardson; knew Daniel McFarland by sight; saw McFarland in the *Tribune* office on the 25th day of November, 1869; I can't say whether I saw McFarland twice on that day or not; saw him that afternoon about fifteen minutes past five o'clock; on that noon about fifteen minutes past five o'clock; on that evening Richardson came in and stood at the desk, at the end of the counter nearest Spruce street.

Q. Describe to the jury where McFariand was located and describe the cooling in of Richardson that evening, giving your statement of the affair as you saw it. A. McFariand was standing at a desk at the end of the counter nearest Spruce street; Albert D. Richardson entered at the Spruce street door; he crossed the office towards the desk at the other end of the counter from where McFarland was standing; I was standing myself at the counter, about two-thirds of

the distance between the two desks; the first I knew of the shooting was seeing a pistol thrust in front of me and fired; I turned instantly and recognized Daniel Mofariand as the person in whose hand I saw the pistol; at the time I saw the pistol; at the time I saw the pistol I saw a hand and part of an arm; after that I saw min at the outside of the counter with a pistol in his hand; Richardson at the time of snooting was, I should judge, within four or five feet from me; after the pistol was fired Richardson went out through the north door in Nassau street; at her time of the firing Richardson was asking the clerk, Daniel Froman, for his mail; Richardson after the shot was fired want out at the north door O Nassau street.

Q. If I understand you the prisoner stayed inside

Q. It'l understand you the prisoner stayed inside the counter? A. Yes.
Q. And Richardson came up oniside the counter? A. Yes.
Q. And inquired for letters? A. Yes.
Q. And the prisoner reached his arm over you and dred? A. Yes.

they A. res.

Counsel for the defence, interrupting, said he would rather near the witness testify than the Disfrict Attorney sum up.

Q. Do you know where Richardson went after the firing? A. He west to the editorial room on the found of the firing? A. He west to the editorial room on the firing? A. He west to the editorial room on the firing? A. He west to the editorial room on the firing? A. He west to the editorial room on the firing? A. He west to the editorial room on the firing? A. He west to the editorial room on the firing? A. He west to the editorial room of the firing? A. He was the editorial room of the firing? A. He was fired? A. Probably between three and loyr feet, about that distance.

Q. Hew did Richardson got through speaking to Firm A. I don't know.

Q. Had Richardson got through speaking to him? A. I don't know.

Cross-examined—(Counsel for defence here produced a diagram of the counting room of the Privace of the counting. Which he made the witness explain before the jury. The counter is about four feet high; the desk where MoFariand was is on the counter; the san is parable with Massas street and the editor the san is parable with Massas street and the first the desk where MoFariand was about eight feet from the desk; McPariand was about eight feet from the desk; McPariand was about eight feet from the first the host; Richardson; Mr. Froman was at another and different desk; the gas was lighted; I did not see him here; it was dusk; the gas was lighted; I did not see him here; it was dusk; the gas was lighted; I did not feet him here; it was dusk; the gas was lighted; I did not feet him enter; it was dusk; the gas was lighted; I did not feet him here; it was dusk; the gas was lighted; Him here; was a standing all the time: I didn't save him here; was didner, the gas didner, the was there and here; was didner, the was the here; he was a standing all the time: I didn't

heard? A. No. sir.

Q. You don't know of his having a pistol? A. No.
Q. You don't know that the pistol at the Astor
House belonged to him? A. I do not.
Q. I did not hear you say distinctly what time of
the day the occurrence took place. A. About fifteen
minutes after five P. M.
By the District Attorney—Q. Did I understand you
that the gas was lif in the Tribune office? A. Yes,
sir; the force of the explosion extinguished one of
the gas lights.
To Mr. Davis—The light extinguished was almost
directly over the counter.

the gas lights.

To Mr. Davis.—The light extinguished was almost directly over the counter.

By the District Attorney.—Q. How far over the counter? A. About three and a half or four feet.

Q. Was the gas pipe run up through the counter? A. No, ar; it came down from above.

By a Juror.—Did he go by the Spruce street door to get outside? A. Yes, sir.

Q. In what direction did he go? A. I cannot say; the crowd came into the office; I did not see whether he got over the counter.

Recross examination.—Q. He could not have gone over the counter without your having seen him.

Q. Now, if you were in the possession of your faculties why didn't you call for assistance? How do you explain the fact that you did not call any one? You have named five or six men there who could have overpowered him. Now, you could not have been in the possession of your faculties if you showed such remissness? A. I was looking at Mr. Richardson.

such remissions? At I was looking a circumstance of the jury how did this happen, unless it was that you were so excited as not to be self-possessed at the time? A. I was under some excitement at the time.

Q. That will account for it? A. I should think so.

Q. Did you see McFarland as soon as he came from behind the counter? A. No; I did not see him come in.

come in.

Q. When you first went there did you see him? A. I did not.
Q. You think it was fifteen minutes past five o'clock—how do you know? A. I looked at the clock immediately after the shot was fired.
Q. What time was that? A. About twenty-seven minutes past five.
Q. Can you state where the pistol is to-day? A. I cannot.

cannot,

By the District Attorney—Q. Did you see him up stairs?

A. No, sit.

TESTIMONY OF DANIEL PROMAN.

Daniel Proman, examined by the District Attorney:—Q. Where are you engaged now? A. In the Tribune office.

Q. Were you engaged there in November last?

A. I was.

Q. Where do you live? A. At No. 105 Fourth street. Q. Where do you live? A. At No. 105 Fourth street.
Q. What were your duties in the *Tribune* office at the time this thing occurred? A. Advertising clerk.
Q. Where were you at the time McFarkand came in? A. I guess I was at my desk; I did not see him when he came in.
Q. Where did you first see him on that day?
A. The first time I saw him was about cleven o'clook in the morning. o'clock in the morning.
Q. When did you see him again in the *Tribune* office? A. I saw him shortly after five o'clock.
The Court—At what time? A. About five minutes after five o'clock.

By the District Attorney—What were you doing at your desk? A. I was writing.
Q. Where did you see Richardson? A. I saw him in the middle of the floor as he was coming towards Q. Do you know through which door he came m?
A. I believe he came through the Spruce street door. Q. Richardson came up across the noor to your desk? A. Yes, sir.

Q. Richardson came up across the noor to your desk? A. Yes, sir.
Q. I want to know how near he came to your desk? A. My desk is at the extreme end of the counter; he came over to the corner marked "R" in the diagram.
Q. Was any inquiry made about letters? A. Yes, sir; he asked me for his letters.
Q. Go on to describe from that point what transpired. A. As soon as I saw him I knew what he was coming for; I started to get his letters, or rather two papers; just at that time a shot was fired; I looked for Richardson; I did not see him; I saw another man standing round by the counter, and saw McFarland going out by one of the doors into Nassau street; I went round to look for Richardson; I then went along Park row, but not finding him I went back to the office and found Richardson in one of editorial rooms.

there until eleven or tweive o'clock at night.

Q. Who clae were up states in the editorial rooms?

A. The editors and reporters were there; Richardson, the dector and myself were in the managing editor's room.

Q. Did any other doctor come there before you left? A. No; I only remember by

editor's room.

Q. Did any other doctor come there before you left? A. No; I only remember Dr. Swan; he came to Mr. Richardson iron the Astor House.

Cross-examined—I was not in Richardson's employ at the time of the shooting; in 1865 I was in his employ about two or three months; I nave been with the Pribine, as an employe in the counting room, for five years: I saw McGratand that alsermon, before Richardson came in; about filteen minues before; McGratand was, when I saw him first, at the subscription desk; he was abread of the desk; did not see him with a piceo of paper at the desk; after the shooting; I did not see him with a piceo of paper at the desk; after the shooting; I did not supposed price of which McGratand had written ing or drumming on the desk; I can't tak with the was doing; he had the position of one who was writing; se shoot there about ten or fifteen minutes; I saw him after the shot was fired; didn't see him from the first time until the shot was fired; saw him are leven o'clock in the forenoon; he inquired for Mr. Sinciar; I knew that he was intimate with Mr. Sinciar; ever saw him crying in Mr. Sinciar; were fore the other called to see Mr. Sinciar; every often; within two years before this occurred I saw Richardson there; is saw the latter had gone I oMr. Sinciar; and the returned on seeing Richardson there; is saw the latter pass out and afterwards McFariand in the counting room; it was last summer; the latter had gone I oMr. Sinciar word, will be such a seeing Richardson carrying a pissio; saw his pistol at the Asion House; I suspected that Richardson had worn it; there were an advanced over his shoutder at McFariand went to: Richardson piston, with the shoutder at McGariand and went out; I didn't then know of Richardson carrying a pistol; saw his pistol at the Asion House; I suspected that Richardson had worn it; don't know when it was bounds, of an McFariand went out; five ways alaru when the shot was fired; don't know when the was bounds, of an Angaland and Mr. Sinciar and shouters, t

Q. Are you engaged in the Tribune office? A. Q. Were you so engaged on the 25th of November last? A. I was

Q. Were you so engaged on the 25th of November last? A. I was.
Q. What is the character of your employment? A. I am mail writer.
Q. You mean you are mail cierk? A. Yes, sir.
Q. You mean you are mail cierk? A. Yes, sir.
Q. You receive and send for mails? A. No. sir: I have the getting up of the wrappers, or rather the addressing of the wrappers.
Q. Have you a deak that you sit at? A. Yes, sir.
Q. Where is your desk? A. About fifteen feet to the rear of the counter—about the centre.
Q. The centre of the large room as you outer the Tribune office? A. Yes, sir.
Q. Were you at that desk on the evening referred to? A. I was, sir.
Q. What was your employment at that particular time? A. I was preparing to leave the office.
Q. You had got nearly through for the day? A. I had got through.
Q. About what time of the afternoon or ovening was it? A. As near as I can recollect about half-past flye o'clock.

five o'clock.

Q. State the first thing that attracted your attention in connection with this occurrence to the jury.

A. It was the hearing of a report.

Q. In what direction did it come from? A. From the front of the office.

Q. Your back was towards the front of the office?

A. Yes, sir. yes, sir.

). What further occurred to your knowledge? A.
hen terned round, and saw two men endeavoring
leave the office by one of the front doors.

). Did you know either of them? A. I did not at

time.

Do you know now what either of their names ? A. One of them.

Which one of them? A. Emel Vansac, a Ger-Q. Have you seen him since? A. I have seen him at the office. at the office.
Q. Do you know where he is to be found? A. I do Q. Do you know where he works? A. No, sir. Q. Do you not know where he is employed? A

Q. Do you know the other man? A. No, sir, Q. Do you know the other man? A. No, sir.
Q. Staie whether when you heard this explosion if
the gas was lit? A. I cannot say—oh, yes, it was lit,
I remember now.
Q. Did you see Mr. Richardson or Mr. McFarland
to know them? A. I did not.
Q. Did you know the prisoner before that? A. I
was not acquainted with him.
Q. Did you also know Mr. Richardson? A. From
seeing him in the office, knowing him to be employed there.

was not acquainted with him.

Q. Did you also know Mr. Richardson? A. From seeing him in the office, knowing him to be employed there.

Q. You stated that your back was towards the door? A. Yes, sir.

Q. How many feet were you from the column where Mr. McFarland is represented to have stood? A. About fifteen feet.

The witness here explained by diagram the relative positions of the parties at the time of the occurrence.

Cross-examined—I have been nine years in the Tributae employ; I made McFarland's acquaintance in 1882; I nave known him to visit frequently at the Tributae office; for three years at any rate; I have not known of any intimacy existing between him and Mr. Sinclair; I have seen him in Mr. Sinclair's office, but I never saw them go out together; I saw McFarland converse with the cashier, but I do not know that he visited any one but Mr. Sinclair; within two years before the 25th November I don't recoilect naving seen McFarland in the Tributae office when Richardson was there; I have seen Weisnack twice since the 25th November; I don't recoilect he date; I saw him twice, but I cannot remember the dates; I saw him at the Tributae immediately after the occurence; I do not know what brought him there; I did not see him have a file of the paper in his hand; I understood since that he was engaged with A. T. Stewart in this city, but I do not know where; I did not see a piece of paper lying on the subscription desk: I bowed to Mr. McFarland when I saw him, but I was not in the habit of speaking to him; McFarland stood right by the piliar; the report was not a loud one, but it was sufficiently loud to have a rested attention; it put out the gas to the right of the piliar; I could not say what put the gas out; I did not see Mr. King there at the time of the occurence; I saw Mr. Froman standing by his desk.

Captain Anthony J. Allaire examined—Q. You are a member of the Police Department? A. I did. Q. At what time? A. Ten o'clock on the evening

air.
Q. Did you arrest the prisoner? A. I did.
Q. At what time? A. Ten o'clock on the evening
of the 25th of November, 1869.
Q. Did you take him to the Astor House? A. I
did, sir.
Q. Where did you go with him after you went to
the Astor House? A. I took him to room No. 115.
Q. Who was in that room?
Counsel for the prisoner—I object.
The District Attorney—What are the reasons for
objecting?

The District Attorney—what are the reasons for objecting?

The Court.—What is the ground of objection?

Counsel for the prisoner.—The ground of my objection is that nothing that transpired there or any declaration extracted by this witness can make anything that was done by this witness amount to an admission. admission.

The Court-I do no know what this inquiry will lead to.

or in the series from that point what transpired. A. As soon as I saw him I knew what he was coming for; I started to get his letters, or rather two papers; just at that time a shot was fired; I looked for Richardson; I did not see him; I saw another man standing round by the counter, and saw McFarland going out by one of the doors into Nassau street; I went round to look for Richardson; I then went along Park row, but not finding him I went back to the office and found Richardson in one of editorial rooms.

Q. How many flights of stairs are there to the editorial rooms? A. About five flights; when I got there I found Mr. Richardson wounded.

Q. In what position was he? A. The doctor was trying to probe the wound.

The Court—I do no know what this laquiry will lead to.

Counsel for the prisoner—This witness had no right to take this man to the Astor House. Whether a found will refer to the lighest authority of this state to show that he could make no admission. This witness was fishing for evidence. He had no right to take this man to the Astor House. Whether to the bighest authority of this state to show that he could make no admission. This witness was fishing for evidence. He had no right to take this man to the Astor House. Whether to the bighest authority of this state to show that he could make no admission. This witness was fishing for evidence. He had no right to take this man to the Astor House. Whether to take this man to the Astor House. Whether to take this man to the Astor House. Whether to take this man to the Astor House. Whether to take this man to the Astor House. Whether to take this man to the Astor House. Whether to the bighest authority of this state to show that he could make no admission. This witness was fishing for evidence. He had no the fights may have made any admission by silence or presence is perfectly immaterial. I will refer to the bighest authority of this man may have made to the Astor House. The witness was fishing for evidence. He had no the had no the had no the had no the

ground of objection is that this man could not speak or act freely for himsell. This witness could not make any evidence out of any admissions that were

The Court—I will set any District Atomey—I propose to show that the prisoner was brought into the presence of Richardson; tout as stood face to face; Richardson was lying down and McFarland was standing up. Said the witness, "is this the man that shot you?"; said Richardson in reply, "ies," in presence of the pris-

bed, close to the bed, so that one looked upon the other.

Counsel for the prisoner—Now, I object. If your Honor please, in the decision in the Court of Appeals, in the case of the people against McMahon, which shows that it McFarland had fold this witness that he had shot Richardson after he got into that room, If he had admitted he shot him, the law reasons that he was not in such a state of mind as such admissions could be used as evidence against him, and that, also, at the time the officer of the law takes him into custody, that the prisoner knows he is arrested, and his mind is in such a state of tropidation and exotenment that his tongue should not be permitted to exert itself against him.

The objection was overruied.

The District Attorney—Q. State what took place?

A. I asked, "is this the man who shot you?" Richardson said yes; arrested the prisoner in room No. 21, westminister Hole, west seventeenth street and Fourth avenue; know where the Tribune office is—at corner of Nassau and Spruce streets, city of New Yors.

CEROS-EXAMINED.

and Fourth avenue; know where the Pribane office is—at corner of Nassau and Spruce streets, city of New York.

Cross-Examined.

A long congultation between defendant's counsel closed the close of the direct examination, and but one question was then put to the winess.

Made the arrest at ten o'clock that night, the 25th of November.

TESTIMONY OF DR. SWAN.

Dr. Churles Y. Swan, practising physician and surgeon, resuces at the Astor Honsol, was called to See Mr. Richardson on the evening of the 25th November last; first saw him in the oditorial rooms in the 27th age office; found him sudering great pain 15th a wolfid; he was then lying on a lounge; the cause of bis difficulty was a gunshot wound over the region of the stomach. Witness described the locality of the wound on his own person. The wound was about two incues below the breast bone and fice inches from the left mipple; passed a probe into the wound; did not ascertain whether there was a foreign substance there; Richardson remained in the editorial rooms of the Tribune from inteen to twenty minutes, and from there he was taken to room 115 Astor House.

Q. When did he get there? A. He got there a little before six o'clock; about ten minutes before six o'clock; about ten minutes before six o'clock; about ten minutes before six o'clock; was the attending surgeon all the time fill his death; was with him when he died on the morning of the 2d of December; that was about five o'clock; he died in the same room. No. 115; attended the post mortem examination; the cause of his death was a gunshot wound; the ball entered the perigastrone of the small intestines; next grazed the left kindle are grounded the difficulty and lodged underneath the skin in the left lumbar region near the spinal column.

Q. State the cause of death? A. Pertonitis. Objected to.

The Count—Witness has already stated the cause of death. What is the objection?

Counsel—We will show that they so excited the man that they killed him; that they for a time kept limit of the wolf of the stomach; a

him my way.

Witness—in stating the cause of death we have to state two causes; in this case the first cause was the gunshot wound and the second was perisonite; the first cause was the wound and the other cause was the small of the first.

cessarily fatal.

Objected to.

The Court admitted the question. Witness replied that the wound was necessarily fatal.

CROSS-EXAMINED

Q. How many physicians were in attendance besides yoursell? A. One, properly, besides me—Dr. Lewis A. Sayres; was attached as physician to the Astor House for fourteen years; did not take a pistol from the clothing of kichardson; and not see one taken; at the time he first saw Richardson he recognized as present Mr. Sincian; the publisher; also recognized Mr. Junius H. Browne; got there before six o'clock; it took him some two or three minutes to reach Kichardson from the time the messenger informed him he was wanted; Richardson was removed to the Astor House on a stretcher, he got there before six o'clock; Dr. Sayres got to the Astor House about ten o'clock; In the mean time I administered one dose of morphine by mouth to Richardson and applied a poultice to the wound; the morphine had little or no effect; continued administering morphine.

O. Was be under the effect of opistes from that

applied a positice to the wound; the morphine had little or no effect; continued administering morphine.

Q. Was he under the effect of opistes from that time thi he died? A. Oh no, sir.

Q. Till what time before his death did you continue administering opiates? A. Till about twelve or twenty hours before his death.

Q. In what time did the opiste begin to act on him? A. The dose given him subcortaneously affected him about eleven o'clock that night; he was not under the effect of opiates all the time up to the twelve or twenty hours preceding his death; he began to fall in strength on the third day after he was shot; he would take very little nourishment by the mouth. The ASTOR HOUSE MARKIAGE CREMONY.

Q. Were you present at my proceedings that took place on the 30th November to which he was a party. A. I presume you refer to the marriage ceremony; I was.

The District Attorney objected.

Counsel—I am entitled to show what he came through to base my argument to the jury.

The Court—Unless you demonstrate it in some way I do not think the question can be allowed.

The question was then read by the official stenographer without the addenda put to it by the witness, and he reptied, "yes."

Counsel for the defence—I am entitled to show

grapher without the addenda put to it by the witness, and he repided, "yes."

Counsel for the defence—I am entitled to show what they did with this man after they say McFarland had finished him. If they chose to take him out in the street and make him run around a block and killed him in that way I have the right to the benefit of that proof to this jury.

The District Attorney—We have no objection to their showing that.

Counsel—If they choose to submit him to a worse exoitement than that I have the right to show that to this jury. From the very time this witness commenced attending him down to the time Mr. Richardson died they have made the occurrence part of their case, and I have to cross-examine upon it. If I can satisfy this jury that this man could have lived six seconds longer than he did but from what they passed him through I have the right to do so.

The Court—Do you propose to show that the fact that Richardson was married was the cause of his death?

that Richardson was married was the cause of his death?
Counsel—I propose to show what agency that had in bringing about a specifier death than he would have died if this man was responsible for the act.
The Court—I think that must be affirmative proof as a matter of defence. I do not think you have a right to cross-examine to produce that testimony at this time.

The Court—I think that must be admirmative proof as a matter of defence. I do not think you have a right to cross-examine to produce that testimony at this time.

Counsel—They cannot rest their case unless they sansity you and this jury that on the 2d of December, not sooner or later than the time appointed by the act of McFarland, the deceased died. I have the right to break down that case and to show that they called the most horrible and descretating blasphemy to their aid merely to secure this man's property and not to solemnize a marriage, and that that promoted and hastened his death. They could have married that couple as the law of this State permits these couples to marry by a mere matter of contract; it did not need the interference of any religious coremony. That man as he lay upon that bed and that woman as she stood by the side of that bed could have agreed to become man and wife and the property could have been assigned and secured by that performance precisely as it was desired. It was not necessary to bring in this blasphemy for the purpose of giving apparent decency to what was then going on. If those who were called around him to prolong his life hastened the time of his dissolution let me have the benefit of that on a cross-examination before this jury. Suppose I show that they strangled him? I have the right to show that.

The counte—Oh yes, sir.

The counsel—If I can show that they put his mind under a greater pressure than physical strangulation, can I not show it? Have I not the right to show that the speak which was planted nearly inree years before, watered, oultivated and nursed by this gang, who stood around this thing from the very start, then ripened into that maturity that they find the year start, they are the right to show that the grown; that they stended it from the first time it was planted; that they bestowed their caresing attentions upon it, and they had brought it to that point of iniquity that they would not permit the soul of this man to go out of the world unstained unt

a comparatively sensoless man for the purpose of neaping an accidend cereanony upon him, and i order that they right secure the property which they so long coveted. Is it not right for me to show that this man was starved to death? Cag I mented and unprovided with those medicines an responsive that are likely to assuage pain or restore life? Can we not show that under the of cumstances they helped death accelerate this man end sooner thad in consequence of the instrumentanty of this defendant? If when they close the case there is a reasonable doubt whether this defendant was the sole cause of the death of the decased your Honor, under your oath, is boun to direct the jury to acquit the prisone of the case is free from all doubt, and I submit am entitled to pass the examination on it, for the purpose of showing what the unfortunate decease passed through from the time he was free taken charge by the witness till the time of his fin dissolution.

District Attorney—We object to the testimony as entirely improper.

The Court—it is proper for the defence to show, if they can, that Richardson came to his death otherwise than by a gunshot wound. It is competent to show that the physicians by improper treatment or the attendants through negligence tended to supermutuce death. The cause of death, on the part of the prosecution, must be shown to have been a gunshot wound. The defence must further show—and accepting in good faith, as I must do, the statement made by counsel for the accused, as I understand it is proposed to be shown by him—that the marriage ceremony occurred at the Astor Ilouse between Mr. Richardson and Mrs. Mofarland, and that the excitement superinduced by that marriage, added to the want of skill, saperinduced what otherwise would not have occurred.

Counsel—We do not attack the skill of the physicians. That he was attended by the best medical theat in the world we concede.

Examination resumed.

Counsel—We do not attack the skill of the physicians. That he was attended by the best medical talent in the world we concede.

Examination resumed.

At this time a double daguerrootype case, containing the likehesses of a lady and gentleman, was handed to the witness and the witness recognized them, but was not allowed to state who they were. Mr. Brown, Mr. Knox, Mrs. Sage and a daughter of hers, and Dr. Carter and witness were present at the death of Richardson; he had seen the woman (sirs, McFariand) since then; the peritonitis set in about the third day; the approximate cause of Richardson's death was the gunshot wound, and the immediate cause peritonitis,—that is to say, indammation of the covering of the bowels.

The prosecution here rested their case.

OBJECTION TAKEN TO THE INDICTMENT.

Counsel for the prisoner having read the indictment, said:—The point I wish to make is this: The prosecution are bound to prove what is in the indictment, was the pisoo shot he received at the sole cause of Mr. Richardson's death, as set forth in the indictment, was the pisoo shot he received at the hands of this prisoner; and I submit to the Court that that has not been shown. They have not allowed me—and your Honor has ruled against me on their objection—to fill the immediate interval of time which might possibly have elapsed, and which might have been properly developed after the framing of this indictment. I can illustrate the matter better now than when I shit spoke of it. Supposing that on the occasion of Mr. Richardson's liness some one had represented to him that his mother was dead; that site was at the time sae was really living, and that as a consequence of such representation, he was thrown line a state of grief that accelerated his death, why would I not be eatiful to show that? Supposing in case such an anouncement was brought to bear upon his mind, why am I not entitled to show what I have already suggested; because, what could have been more fearful problem could make him less guilty that by refusing to m to this man—with a view to argue to this jury that although they may reimide him they cannot convict him under this maintenent? I mean to insist that this jury have got to find that this indictment that at the time Richardson died ne died from the effect of this injury, from which he was endeavored to be saved by the best medical treatment. I shall ask your honor to charge that if they accelerated this man's death by any act, so that he died before the time he would have died in the usual course of nature, having dissolved from the result of the injury which they claim sent him to eternity, he nevertheless did not die, as averred in the indictment under which the prisoner is to be tried and convicted, if convicted at all. My point, therefore, is this—that the manner of deata being left in doubt by the proof not coming up to the averment in the indictment, the Court is bound to instruct the jury as matter of law that this part of the case cannot be left in doubt by the prosecution. Your Honor will perceive that they have got to show that he came to a violent death by some one. That is the corpus delicti. They have got to show such a violent death as they aver, and one produced by a single cause. My request, therefore, is, that the Court instruct the jury that the prosecution did not fairoduce evidence that this averment is strictly true and that the deceased came by sir in the frough the instrumentality of the defendant. They never established that important element of the case, and therefore the prisoner was entitled to an acquittal.

The Court—I think there is sufficient to go to the jury.

AN ADJOURNMENT ASKED.

Mr. Spencer—The conclusion of the prosecution at so early a moment was not expected by us, and I would respectfully ask your Honor to defor until the morning my opening. It would be impossible for me to conclude to day.

The Court—Could you conclude in an hour?

Mr. Spencer—No, sir.

The Court—We have yet an hour before four o'clock.

Mr. Spencer—In a case, sir, of this importance the opening of coursel is a matter of considerable reflection and preparation, and not expecting that this case on the part of the prosecution would be rested to-day I have not brought my notes with me, and I respectfully ask your Honor as a matter of personal courtesy to me to defer further proceedings until to-morrow.

The Court—Permit me to ask how long have you been in the case?

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Mr. Spencer—Long enough to tell the whole

been in the case?

Mr. Spencer—Long enough to tell the whole story.

The District Attorney said he had received such kindness from the either side in every way that he had no objections to an adjournment.

The Court granted the application.

The Jury in cases of this description, reminding them that they were forblades to converse with any person upon the trial during its progress.

A SCERNE—Newspaper Priotographs oversially.

A SCERNE—Newspaper Priotographs oversiallies.

Just prior to the rising of the Court counsel for the prisoner said he desired to call the attention of the Court to a matter that required immediate action. He referred, he said, to an impudent attempt to oversawe the jury, and as he was going to stand upon the law he would ask the Court to stop it. The Court, had the power and it would now be seen whether it would exercise it. He characterized the attempt as one of the most infamous ever made by the public pross.

would exercise it. He characterized the attempt as one of the most infamous ever made by the public pross.

Ex-Judge Davis suggested that matters of that kind were not generally publicly mentioned in Court, but according to practice were submitted privately.

Counsel for the prisoner said he had a right to call the public attention of the Court to the matters. He did not care what the villains said of him. The press had already given him pangs and could not add to his sufferings.

The Court intimated that it would hear the counsel with pleasure.

Counsel for the prisoner cited the statute authorating the court to arraign for contempt the authors of grossly inaccurate reports. He had been informed that some miserable bandinage at his expense had appeared in the Star, endeavoring to intimidate him from doing his duty. The day before yesterday there appeared a public caricature of their second juryman (A. F. Ciausen). If such an attempt to caricature would be allowed the court could not be respected. Those people who made such attempts had no right to be in court for such a purpose. If they were allowed to be present the court could not be respected nor could the jurors be respected as they should be. Why the editor of the paper in question had siandered him so maliciously he (counsel) could not tell, unless it was for doing his duty. He had seen the editor of the paper a low weeks ago and asked by him had he read it. He (counsel) said he had not,